

(Prepare in triplicate)

FISCAL NOTE

Prepared in regard to:

HOUSE BILL 1627

(List bill or resolution and number, if available, or subject)

Amendment to:

(List bill or resolution and number)

Requested by:

Legislative Council

Date of receipt:


January 25, 19 79

In the following space note the fiscal effect in dollars of the legislative proposal. If additional space is needed, attach a supplementary sheet. (Please type)

Although difficult to determine, it is estimated that if House Bill 1627 is enacted, approximately \$200,000 to \$500,000 in revenue would be collected by Section 10 of this act and deposited in a litter control account.

It is also estimated that approximately a \$20,000 additional per year administration cost would be incurred by the Tax Dept. in collecting that revenue.

Signed



Typed Name

C. W. Cudworth

Date Prepared:

2/15/79

Department

TAX

Introduced by

Representative Meiers

Senators Walsh, Holmberg

Assigned To Committee On:				AYE	NAY
SENATE _____					
HOUSE _____	PAGE				
Committee Report	IND	S.J.	H.J.		
SENATE <input type="checkbox"/> DO PASS <input type="checkbox"/> POST <input type="checkbox"/> AMEND					
	DO NOT				
HOUSE <input type="checkbox"/> DO PASS <input type="checkbox"/> PASS <input type="checkbox"/> AMEND					
Legislative Action on Amendments					
SENATE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED					
HOUSE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED					
2nd Reading and Final Passage					
SENATE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL					
HOUSE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL					

1 A BILL for an Act to prohibit littering, to provide for the  
 2 placement and use of litter receptacles, to provide for a  
 3 litter assessment on designated products, to create a litter  
 4 control account, to provide for enforcement by the state  
 5 highway department; and providing penalties.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
 7 STATE OF NORTH DAKOTA:

8 SECTION 1. DECLARATION OF PURPOSE.) The purpose of this  
 9 Act is to accomplish litter control throughout this state by  
 10 delegating to the state highway department the authority to  
 11 conduct a permanent and continuous program to control and  
 12 remove litter from this state to the maximum extent  
 13 practicable. All other state agencies and all local  
 14 governmental agencies of this state shall cooperate with the  
 15 state highway department in the administration and enforcement  
 16 of this Act.

17 SECTION 2. DEFINITIONS.) As used in this Act unless the  
 18 context indicates otherwise:

- 19 1. "Commissioner" means the state highway commissioner.
- 20 2. "Department" means the state highway department.

- 1           3. "Disposable package or container" means all packages  
2           or containers defined as such by rules adopted by the  
3           department.
- 4           4. "Litter" means all waste material including  
5           disposable packages or containers thrown or deposited  
6           upon public property or upon private property not  
7           owned by the person depositing the waste material but  
8           does not include the wastes of the primary processes  
9           of mining, farming, or manufacturing.
- 10          5. "Litter bag" means a bag, sack, or other container  
11          made of any material which is large enough to serve  
12          as a receptacle for litter inside a vehicle or  
13          watercraft.
- 14          6. "Public place" means any area that is used or held  
15          out for use by the public whether owned or operated  
16          by public or private interests.
- 17          7. "Vehicle" means every device capable of being moved  
18          upon a public highway except devices moved by human  
19          or animal power or used exclusively upon stationary  
20          rails or tracts.
- 21          8. "Watercraft" means any boat, ship, vessel, barge, or  
22          other floating craft.

23           SECTION 3. RULES.) The commissioner may adopt rules,  
24           pursuant to chapter 28-32, necessary to effectuate the  
25           provisions of this Act.

26           SECTION 4. ENFORCEMENT.) The commissioner may designate  
27           any person vested with police powers to enforce the provisions  
28           of this Act and all rules adopted hereunder. Persons  
29           designated by the commissioner to enforce this Act may issue  
30           citations and arrest without warrant persons violating any  
31           provision of this Act or rule promulgated hereunder. For the  
32           purposes of this Act, service by mail upon a person accused of  
33           violating this Act shall be considered personal service.

34           SECTION 5. LITTERING PROHIBITED - PENALTIES.) No person  
35           shall throw, drop, deposit, discard, or otherwise dispose of

1 litter upon any public property in the state or upon private  
2 property in this state not owned by him or in the waters of  
3 this state, whether from a vehicle or otherwise, except:

4       1. When such property is designated by the state or any  
5       of its agencies or political subdivisions for the  
6       disposal of garbage and refuse, and the person is  
7       authorized to use the property for that purpose.

8       2. Into a litter receptacle in a manner to prevent  
9       litter from being carried away or deposited by the  
10       elements upon any public property or private  
11       property, not owned by him, or waters.

12       Any person violating the provisions of this section shall  
13 be guilty of an infraction, and, in addition, in the sound  
14 discretion of any court in which conviction is obtained, the  
15 person may be directed by the judge to pick up and remove from  
16 any public place or any private property, with prior permission  
17 of the legal owner, upon which it is established by competent  
18 evidence that such person has deposited litter, any or all  
19 litter deposited thereon by anyone prior to the date of  
20 execution of sentence.

21       SECTION 6. COLLECTION OF FINES AND FORFEITURES.) The  
22 commissioner shall prescribe rules for the collection of fines  
23 and bail forfeitures including the imposition of additional  
24 penalty charges for late payment of fines.

25       SECTION 7. NOTICE TO PUBLIC.) The department shall post  
26 notice of the requirements of this Act at various public places  
27 throughout the state.

28       SECTION 8. LITTER RECEPTACLES - PLACEMENT - PENALTIES.)  
29 The department shall place litter receptacles in publicly owned  
30 areas throughout the state. It shall be the responsibility of  
31 any person owning or operating any establishment or public  
32 place in which litter receptacles are required by this section  
33 to procure and place the receptacles on the premises at their  
34 own expense in accord with rules promulgated by the department.

1 Any person violating the provisions of this section or rules  
2 adopted hereunder shall be guilty of an infraction.

3 SECTION 9. REMOVAL OF LITTER - RESPONSIBILITY.)

4 Responsibility for the removal of litter from receptacles  
5 placed at parks, beaches, campgrounds, trailer parks, and other  
6 public places shall remain upon those state and local agencies  
7 performing litter removal on the effective date of this Act.  
8 Removal of litter from litter receptacles placed on private  
9 property which is used by the public shall remain the  
10 responsibility of the owner of the private property.

11 SECTION 10. LITTER ASSESSMENT - COLLECTION.) There is  
12 hereby levied and there shall be collected by the tax  
13 department from every person engaging in business as a  
14 manufacturer or in making retail or wholesale sales within this }  
15 state, an annual litter assessment equal to the value of  
16 products manufactured and sold within this state or the gross  
17 proceeds of the wholesale and retail sales of the businesses  
18 within this state multiplied by one and one-half hundredths of  
19 one percent.

20 SECTION 11. LITTER ASSESSMENT - APPLICATION TO CERTAIN  
21 PRODUCTS.) In arriving at the amount upon which the assessment  
22 is to be calculated, only the value of products or the gross  
23 proceeds of the sales of products of the following categories  
24 shall be included:

- 25 1. Food for human or pet consumption.
- 26 2. Groceries.
- 27 3. Tobacco products.
- 28 4. Soft drinks and carbonated waters.
- 29 5. Alcoholic beverages.
- 30 6. Newspapers and magazines.
- 31 7. Household paper and paper products.
- 32 8. Glass containers.
- 33 9. Metal containers.
- 34 10. Plastic or fiber containers made of synthetic  
35 material.

1 11. Cleaning agents and toiletries.

2 12. Nondrug drugstore sundry products.

3 SECTION 12. LITTER ASSESSMENT - EXEMPTIONS.) The litter  
4 assessment shall not be applied to the value of products or  
5 gross proceeds of the sales of any animal, bird, or insect, or  
6 the milk, eggs, wool, fur, meat, honey, or other substance  
7 obtained therefrom if the person performs only the growing or  
8 raising function with respect to such animal, bird, or insect.  
9 In all other instances, the assessment shall be applied.

10 SECTION 13. LITTER CONTROL ACCOUNT - CREATION -  
11 COMPOSITION.) There is hereby created an account within the  
12 general fund of the state treasury to be known as the "litter  
13 control account". All assessments, fines, bail forfeitures,  
14 and other funds collected or received pursuant to this Act  
15 shall be deposited in the litter control account and used for  
16 the administration and implementation of this Act. The  
17 department shall allocate funds annually for the cost of  
18 administration of this Act, and such funds are hereby  
19 appropriated. Any additional funds shall be returned to the  
20 general fund at the end of the current biennium.

21 SECTION 14. ADMINISTRATION OF ANTI-LITTER PROGRAM -  
22 GUIDELINES.) In addition to its other duties, the department  
23 shall:

- 24 1. Serve as the coordinating agency between the various  
25 industries and organizations seeking to aid in the  
26 anti-litter effort.
- 27 2. Recommend to the governing bodies of all political  
28 subdivisions the adoption of ordinances similar to  
29 the provisions of this Act.
- 30 3. Cooperate with all political subdivisions to  
31 accomplish coordination of local anti-litter efforts.
- 32 4. Encourage, organize, and coordinate all voluntary  
33 local anti-litter campaigns seeking to focus the  
34 attention of the public on the programs of this state  
35 to control and remove litter.

Forty-sixth  
Legislative Assembly

- 1           5. Investigate the availability of, and apply for, funds
- 2           available from any private or public source to be
- 3           used in the program outlined for this Act.
- 4           6. Encourage the recycling of all recyclable materials.